

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	3:12-CR-171
v.	)	
	)	JUDGE REEVES
STEVEN MARSHALL FOUT,	)	
	)	
Defendant.	)	

**UNITED STATES' SENTENCING MEMORANDUM**

The United States of America, by the United States Attorney for the Eastern District of Tennessee, submits this Sentencing Memorandum pursuant to Rule 32 of the Federal Rules of Criminal Procedure.

The United States has reviewed the revised Presentence Investigation Report ("PSR") dated November 22, 2013, prepared by Carol Cavin, United States Probation Officer. The United States has no objections to the PSR. *See* Doc. 26. The United States agrees with the Probation Officer's calculation of the defendant's sentencing guideline range of 151 - 188 months of imprisonment. PSR ¶ 58. Further, the United States agrees with the Probation Officer's conclusion that no factors warrant a departure outside of the advisory guideline range. *See* PSR ¶88. Further, the United States agrees with the Probation Officer's conclusion that the defendant's history and characteristics, particularly the defendant's prior molestation of a minor, as set forth in Paragraph 13 of the PSR, may warrant a variance from the sentencing guideline range.

Additionally, the United States respectfully submits that, given the need to protect the public from further crimes of the defendant and his deviant sexual behavior, a substantial period

of supervised release of not less than ten (10) years with the special conditions of supervision discussed in paragraphs 64 through 76 of the PSR, should be imposed in this case.

The United States submits that a term of imprisonment of 151 - 188 months with a term of supervised release of ten (10) years is an appropriate sentence under the circumstances of this case and would be sufficient, but not greater than necessary, to accomplish the sentencing goals embodied in 18 U.S.C. § 3553(a). However, the United States reserves the right to offer argument and proof at the sentencing hearing in support of its position on sentencing as it deems appropriate and as the Court permits.

Respectfully submitted this 7th day of February, 2014.

WILLIAM C. KILLIAN  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on February 7, 2014, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail or facsimile. Parties may access this filing through the Court's electronic filing system.

By: s/ Matthew T. Morris  
Matthew T. Morris  
Assistant United States Attorney